

Message Text

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PAGE 01 BUJUMB 00656 020933Z

15
ACTION VOE-00

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UNCLAS BUJUMBURA 0656

E.O. 11652: N/A
TAGS: CVIS, BY
SUBJECT: ILLEGITIMATE CHILDREN OF FATHERS UNDER NIA 101(B)

REF: STATE 188437

1. POST PROVIDES INFORMATION REQUESTED FOR PARAGRAPHS 4
THROUGH 8 OF REFTEL:

0-4- 4 -- NO CASES ADJUDICATED;

PARA 5 -- NOT APPLICABLE, SEE PARA 4;

PARA 6 -- NOT APPLICABLE, SEE PARA 4;

PARA 7 -- THE SUMMARY OF PROVISIONS OF LOCAL LAW
UNDER WHICH PATERNITY IS ESTABLISHED IS THAT OF TITLE 8,
CHAPTERS 1 AND 2 OF THE CIVIL CODE. THE RELEVANT PARAGRAPHS
ARE:

PARA 117 -- A HUSBAND CAN DISAVOW PATERNITY OF A CHILD
BORN WITHIN THE FIRST 179 DAYS OF A MARRIAGE EXCEPT IF THE
HUSBAND: (1) KNEW OF THE PREGNANCY BEFORE THE MARRIAGE;
(2) WAS PRESENT WHEN THE CHILD'S BIRTH CERTIFICATE WAS
WRITTEN AND CONFIRMED HIS WIFE TO BE THE MOTHER OF THE
CHILD; OR (3) CLAIMED ORALLY OR IN WRITING PATERNITY OF
THE CHILD BEFORE OR AFTER THE CHILD'S BIRTH.

PARAS 188 AND 189 -- IN THE ABSCENCE OF A BIRTH
CERTIFICATE LEGITIMACY IS CONFERRED ON A CHILD: (1) IF
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THE CHILD HAS ALWAYS BORNE THE NAME OF THE MAN HE CLAIMS

AS FATHER; (2) IF THOSE CLAIMED BY THE CHILD TO BE THE PARENTS HAVE ALWAYS TREATED HIM AS THEIR OWN CHILD; (3) IF THE SOCIETY HAS ALWAYS ACKNOWLEDGED THE CHILD TO BE ONE OF THE PARENTS'.

PARA 201 -- ILLEGITIMATE CHILDREN NOT BORN OF INCEST OR ADULTERY ARE LEGITIMATED UPON THE SUBSEQUENT MARRIAGE OF THE PARENTS IF: (1) THE PARENTS LEGALLY ACKNOWLEDGE THE CHILD TO BE THEIRS; OR (2) IF THE COURT RULES THAT IN KEEPING WITH BURUNDI COMMON LAW THE SUBSEQUENT MARRIAGE OF THE PARENTS AUTOMATICALLY CONFERRED LEGITIMACY UPON THE CHILD.

PARA 202 -- NATURAL CHILDREN WHO ARE NEVERTHELESS DECEASED CAN BE RETROACTIVELY LEGITIMATED IF THE DECEASED WHILE ILLEGITIMATE HAD CHILDREN WHO COULD BENEFIT FROM THE RETROACTIVE LEGITIMATION.

PARA 8 OF REFTTEL -- POST WOULD RELY ON JUDICIAL ADJUDICATION TO ESTABLISH PATERNITY.
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